REMARKS

Objection to the Drawings

The Examiner objected to Fig. 1 for using two different reference numerals to refer to the same element, namely a connector clip. The Applicant has amended Fig. 1 to eliminate reference numeral 40. Similarly, the Applicant has amended the specification to replace reference numeral 40 with reference numeral 64, ensuring the specification matches the drawings. An amended drawing accompanies this paper.

Objection to Claim 37

The Examiner objected to claim 37, alleging that the phrase "interior cavity" should read "said interior cavity." The claim has been amended accordingly.

Rejections Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1, 2, 22-26, 35-38, 45-49, 55, 56, 60-67, 73, 74, and 78-80 under 35 U.S.C. § 102(b) as anticipated by United States Patent No. 4,624,155 to Wing (hereinafter "Wing"). The Applicant respectfully traverses this rejection for at least the following reasons.

1. Claim 1

With respect to claim 1, the Examiner alleged the "shear member" of claim 1 is anticipated by the combination of Wing's "stiffly bendable elongated rod 40" and clip 45. The Examiner further alleged the combination of rod and clip would inherently fail and break under a shear failure force created by tension applied to a front cable strand 23 and rear cable strand 14. (All reference numerals refer to elements disclosed in Wing.) Briefly, the Examiner stated that "the shear member 40, 45 is inherently broken if sufficient shear failure force is applied to it."

The Applicant respectfully submits that sufficient shear failure force to break either the rod 40 or clip 45 of Wing cannot be generated. Applying tension to the front and rear cable strands 23, 14 will cause the rod to move along a deflector means, not break. "Pulling on the

linkage with a force yet to be described will cause the rod to move along its axis on [a bent path defined by the deflector means]" (col. 2, lines 54-56).

In other words, as tension is applied to Wing's front and rear cables, the rod moves along a bent path to relieve the tension. Further, as shown in Fig. 3, the end of the rod 44 does not include any means for retaining the rod within the aforementioned bent path. Instead, if sufficient tension is applied to the cables, the rod will simply slip all the way along its axis and completely disengage from the deflector means. There is no breaking of either the rod 44 or clip 45 during operation. Prior to reaching any force sufficient to break either element, the force will disconnect the rod and clip from the linkage tensioner 25 (and associated deflector means). Since neither the rod nor the clip will break prior to disengaging the rod and clip from the deflector means, these elements cannot anticipate the "shear member" of claim 1. Accordingly, Wing is not a proper reference under § 102(b) against the invention of claim 1.

Additionally, even if either the clip or rod should somehow break during operation of Wing's invention, this breakage would not cause "the second end of the front cable strand... to maintain the continuous connection from the brake actuation lever to the brake assembly," as required by independent claim 1. Breaking either the clip or rod would completely disconnect the first cable 23 from the remainder of Wing's apparatus, and thus from the brake assemblies 11, 12. Should either the rod 44 or clip 40 fail, no connection would be present between the front cable strand and brake assemblies. Instead, such a connection is present only if Wing operates as disclosed, and neither element breaks. Accordingly, not only does Wing fail to anticipate the claimed connection between front cable and brake assembly upon failure of a shear member, it explicitly teaches away from such a connection due to its physical structure and operation. Thus, Wing cannot anticipate the invention of independent claim 1. Accordingly, the Applicant respectfully requests the Examiner withdraw his rejection and allow claim 1.

2. Claims 45 and 63

With respect to independent claims 45 and 63, the Applicant reiterates his argument made with respect to claim 1 regarding the inability of the rod 40 and clip 45 to break during Wing's

operation. The Applicant further respectfully submits that, even if either the rod 40 or clip 45 could break during operation, such an event would sever the connection between the brake actuation lever and brake assembly. Wing provides no teaching or suggestion that either one of the second front cable end and first rear cable end would maintain such a continuous connection, as required by claim 45. Similarly, Wing provides no teaching or suggestion that the first end of the first rear cable strand may move to the second end of the connector clip when any alleged shear member breaks, thus maintaining a continuous connection from the brake actuation lever to the brake assembly (as required by claim 63). Should either the rod or clip somehow break, no cable strand moves as claimed in either claims 45 or 63. Further, given the aforementioned break, any connection between brake actuation lever and brake assembly necessarily is eliminated (see, for example, Fig. 3). There is simply no way to maintain such a connection without both clip and rod intact. Without some way to create a continuous connection once either the rod or clip breaks, Wing cannot serve as a § 102(b) reference against the inventions of claims 45 and 63.

For at least these reasons, the Applicant respectfully submits Wing does not anticipate the invention of independent claims 45 and 63. Accordingly, the Applicant respectfully requests the Examiner withdraw his rejections and allow the independent claims.

3. Claims 2, 22-26, 35-38, 46-49, 55, 60-62, 64-67, 73, 74, and 78-80

Claims 2, 22-26, 35-38, 46-49, 55, 60-62, 64-67, 73, 74, and 78-80 each depend from a patentably distinct independent claim, namely one of claims 1, 43, and 65. Accordingly, these claims are also patentable. The Applicant makes this statement without reference to or surrender of the additional bases of patentability within these claims. Thus, the Applicant respectfully requests the Examiner withdraw his rejections and allow the dependent claims.

Conclusion

Please charge Deposition Account No. 04-1415 the amount of $110.00 for the fees for the amendment and one-month extension of time. Should any additional filing fees associated with

this amendment be necessary, please consider this a request therefor and charge Deposit Account No. 04-1415 as necessary.

The Applicant thanks the Examiner for his thorough review of the claims in this application. Further, the Applicant submits that the application is now in condition for allowance, and respectfully requests that the application be passed to allowance. In the event the Examiner has questions or comments and a telephone conversation would expedite a resolution, the Applicant invites the Examiner to contact the undersigned attorney at (303) 629-3400.

The Applicant respectfully requests a timely Notice of Allowance be issued in this case.

Dated this 18th day of December, 2003

Respectfully submitted:

S. Craig Hemenway, Reg. No. 44,759
Dorsey & Whitney LLP
USPTO Customer No. 20686

SCH/sd
cc: IP Docketing